

Kentucky Board of Education Report
Commissioner Gene Wilhoit
For
May 22, 2006 Council on Postsecondary Education Meeting

Major News Item

SEVEN SWORN-IN AS KENTUCKY BOARD OF EDUCATION MEMBERS--The first item of business at the Kentucky Board of Education Retreat, held May 10-11 at Natural Bridge State Park, was the swearing-in of seven members, recently appointed by Governor Fletcher and confirmed by the legislature. The members who were sworn-in are:

C.B. Akins of Lexington
Kaye Baird of Pikeville
Joe Brothers of Elizabethtown
Jeanne Ferguson of Louisville
Judy Gibbons of Lakeside Park
Doug Hubbard of Bardstown
Keith Travis of Benton

Mr. Travis, the current board chair was reappointed but the rest of the members are new appointments.

April 11-12, 2006 Kentucky Board of Education Highlights:

➤ ***704 KAR 3:303, PROGRAM OF STUDIES APPROVED***

At the April 11-12, 2006, meeting, the Kentucky Board of Education gave final approval to amendments made to the 704 KAR 3:303, Program of Studies. The Program of Studies, Grades P-12, outlines the minimum content standards required for all students for the required credits for high school graduation and the content standards for primary, intermediate and middle level programs that lead up to the high school requirements. The last time this document was updated was 1998.

Changes to the *Program of Studies* were required due to previous amendments made by the Board in February to the minimum high school graduation requirements and adjustments made to the *Core Content for Assessment*. The Board discussed and participated in the revision process and reviewed early drafts from each content area.

The public was invited to provide input through a review process and survey found on the Department's website. All teachers and administrators were sent an email from Commissioner Wilhoit asking them to provide feedback.

One issue that arose at the meeting relative to the *Program of Studies* was consideration of whether to include a new method for designation of measured time called B.C.E. (Before Common Era) and C.E. (Common Era). This new system is being reflected by some national organizations [e.g., College Board (SAT and AP World History), Smithsonian Institute, U.S. Naval Observatory, National World History Standards]. At the meeting, Department staff brought forward the recommendation to include both the traditional system of measured time (B.C. – “before Christ” and A.D. – “Anno Domini or in the year of the Lord”) and the new method. An example of how this would be reflected is “describe the contributions made by world civilizations prior to 1500 A.D./C.E....” Staff explained that this would allow Kentucky students to understand both systems when they encounter them in textbooks and national assessments such as the SAT. The Board approved the inclusion of both systems within the *Program of Studies*.

Further changes could still be made to this regulation at the June 13-14 meeting through comments received at the public hearing on May 30. It will be held at 2:00 p.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Kevin M. Noland, Deputy Commissioner and General Counsel, Bureau of Operations and Support Services, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.

If you need more information on 704 KAR 3:303, contact Starr Lewis at 502-564-9850 (email - Starr.Lewis@education.ky.gov) or Michael Miller at 502-564-2106 (email – Michael.Miller@education.ky.gov).

➤ **703 KAR 5:010, WRITING PORTFOLIO PROCEDURES APPROVED**

Final approval occurred on 703 KAR 5:010, Writing Portfolio Procedures at the Board’s April meeting. Due to design changes in the Kentucky Writing Portfolio, concerns from the field and instructional concerns of the Board, it was necessary to revise language in the regulation that governs writing portfolio procedures.

Primary areas of change included:

- Section 1. Appropriate Use of Time - Additional language was inserted into subsection (1) clarifying practices that can reduce student and teacher time in preparing the portfolio. A new subsection (4) was added that would preclude, beginning in the 2006-2007 academic year, the offering of classes for the sole purpose of completing a writing portfolio for accountability purposes.
- Section 2. School and District Writing Programs – A new subsection (4) requires that when a student transfers to another school or district, the working folder shall be sent to the receiving school along with the student’s transcript. It further requires that writing instruction be included as a component of literacy instruction and not isolated for the purpose of assessment. The subsection also clarifies that the cluster leader is not required to be a teacher from the assessment grade levels. Subsection (7) clarifies that resource allocation is to be made based upon instructional needs as determined by data collection and needs analysis.
- Section 3. Writing Instruction - New language in subsection (1) clarifies that writing tasks will relate to standards-based units of study. Subsection (2) clarifies that writing tasks will allow opportunities for student choice in writing and publication to real audiences. In subsection (6), language has been revised to more clearly express the KBE’s position regarding student revision of portfolio pieces.
- Section 4. Portfolio Design and Scoring – In subsection (3), language has been added to clarify that the teacher primarily responsible for overseeing the completion of a writing portfolio shall not serve as a scorer of record on that portfolio.

If more information is needed on 703 KAR 5:010, Writing Portfolio Procedures, contact Starr Lewis at 502-564-9850 (email - Starr.Lewis@education.ky.gov) or Cherry Boyles at 502-564-2106 (email – Cherry.Boyles@education.ky.gov).

➤ PRESCHOOL RATES INCREASED SIGNIFICANTLY

Due to a significant funding increase by the General Assembly, the Kentucky Board of Education was able to approve significantly larger preschool rates for 2006-07. Funding was increased from \$51.6 million in 2005-06 to \$75.1 million in 2006-07 and will remain at that level for 2007-08.

Specifically, this means that the rates for at-risk and disabilities will be at 150% of the poverty level as follows:

At-Risk	\$3,168
Speech/Language	\$3,327
Developmental Delay	\$4,436
Severe/Multiple Disabilities	\$6,020

For more information on this topic, contact Kim Townley at 502-564-8341 or via email at Kim.Townley@education.ky.gov.

➤ POLICY RECOMMENDATIONS APPROVED AFFECTING CATS, 2007 AND BEYOND

The new testing contracts for the 2007 and beyond state assessment continue the Commonwealth Accountability Testing System with the improvements requested by educators, the public, legislators and the Kentucky Board of Education. During the negotiation process with the vendors, staff engaged in conversations with the National Technical Panel on Assessment and Accountability (NTAPAA) and gleaned additional information from vendors. Several important issues arose during these discussions that pointed toward some redundancies in the test design, especially with regard to the norm-referenced test (NRT) and the diagnostic predictive assessments, since both provide norms based on nationally representative samples. Thus, the state board was presented with some policy recommendations to eliminate these redundancies.

The policy recommendations approved at the April meeting were:

- replace the current norm-referenced test (NRT) at grade 9 with diagnostic/predictive tests at grades 8 and 10;
- eliminate the norm-referenced test at the end-of-primary (grade 3), except for those used to aid in the identification of Gifted and Talented students, which would be provided to local districts at no cost, at least in the short term;
- move the norm-referenced test given in grade 6 from the spring to the fall to provide a national comparison as students move from elementary to middle school;
- assess language mechanics by utilizing on-demand writing (multiple choice items and analytically-scored writing response) at grades 5 and 8, the reading/language arts portion of the NRT at grade 6, and the English portion of the diagnostic/predictive tests at grades 8 and 10; and
- bring forward the necessary regulation amendments to a future meeting to make these policies legally effective for the tests given in 2007 and beyond and to specify those elements that are to be part of accountability.

If more information is needed on this topic contact Pam Rogers at 502-564-2256 or Pam.Rogers@education.ky.gov via email.

➤ CHANGES AFFECTING NO CHILD LEFT BEHIND (NCLB) REPORTING FOR 2005-06 TESTING APPROVED

The Kentucky Board of Education approved four changes that will impact *No Child Left Behind (NCLB)* reporting in August 2006. However, these changes must also be approved by the United States Department of Education (USDOE) in order for them to be implemented. Conversations on the requested changes with USDOE are in process.

Briefly, the four changes are:

- Calculating a 2% proxy for special education students.
The procedure for calculating a proxy allows states to determine the percentage of special education students (as defined in the Individuals with Disabilities Education Act) that is equivalent to 2.0 percent of all students assessed; then this percentage is added to the actual percentage of students with disabilities who are proficient and distinguished in the schools that did not make AYP based only on the SWD subgroup. This adjusted percent proficient (actual percent plus percentage equivalent to 2 percent) will then be used to reexamine if the school made AYP for the 2005-06 school year. The process to calculate and apply the proxy is done for reading and mathematics separately and also repeated at the district level, as needed. The actual percent proficient will be reported to parents and the public and Kentucky may also report the adjusted percent proficient.

In the interim, Kentucky has formed a work group made up of Department staff and stakeholders to examine possible approaches for assessing special education students. The Department will need to define guidelines for identifying students who may be eligible for a modified assessment, the appropriate alternate standards for this population, and the accommodations or modifications to the state assessment that will best meet the needs of these students.

- Invoking the Wellstone Amendment.
To meet the NCLB requirements of annual testing in reading and mathematics at grades 3-8, in the spring of 2006 Kentucky will use an Augmented Norm Referenced Test (A/NRT) in the grades where the Kentucky Core Content Test does not already assess these content areas. This approach was previously approved by both the Kentucky Board of Education (KBE) and USDOE. The Augmented Norm Referenced Test is considered a one-year solution to this NCLB requirement and KBE has approved a test design to begin in 2007 that annually assesses reading and mathematics in grades 3-8 with a Kentucky Core Content Test.
NCLB legislation requires that annual testing of reading and mathematics occur in 2006 and that results be reported; however, the “Wellstone Amendment”, Section 1111(b)(2)(J)(ii), indicates that if a state has an accountability plan that includes averaging data for the previous one or two years immediately preceding a current school year to make AYP determinations and there is no data available for that period of time, the state may use the existing grade levels for accountability purposes until such data are available.

Because Kentucky has always been committed to providing schools with the most stable data possible, it is requesting to invoke the available flexibility offered by the Wellstone Amendment for Adequate Yearly Progress (AYP) determinations in 2005-06. Since Kentucky is using the new Augmented NRT assessments at the added grade levels this spring for the first time, there will only be one year of data

available in those grade levels. Thus, even though Kentucky will report the results for the added grade levels to schools and districts, for 2005-06 Kentucky proposes to use the current Kentucky Core Content Test data at existing grade levels, as we have done in the previous two years, to determine AYP status.

- Modifying reporting to reflect all tested students.
A recent Title I monitoring visit to Kentucky highlighted a compliance issue related to how data is displayed on state performance reports. In order to provide as much information as possible to parents and the public, in the future Kentucky plans to report information on student achievement of all tested students at each performance level on the state academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged). All tested students includes the students that have been in a school or district for a full academic year (any 100 instructional days) plus students that have not completed a full academic year but participated in testing at the school or district. In Kentucky, accountability for schools and districts is based on students that have been enrolled for a full academic year. Information on all students tested has previously been available to schools and districts in electronic format with the Student Data Tool. NCLB Reports and the Kentucky Performance Report that are publicly released display disaggregated information for students for which the school or district is accountable. Kentucky's asking USDOE to modify reporting to display data for all tested students.
- Revising the standard setting plan for the augmented NRT.
To meet the requirements of NCLB regarding standards and assessment and to appropriately establish performance level cut scores that will place students in the category of Novice, Apprentice, Proficient or Distinguished, Kentucky wishes to revise its standard setting process for the Augment NRT that was previously described and approved in Kentucky's State Application Accountability Workbook that must be approved by USDOE. The revised standard setting process consists of two phases:
 - In Phase One, performance level descriptions for the four performance levels - *Novice, Apprentice, Proficient, and Distinguished (NAPD)* - are drafted, and the cut scores for new grade levels are interpolated from existing cut scores. The Kentucky Department of Education and its contractor will work in collaboration to develop preliminary *NAPD* performance level descriptions, use field-test data to interpolate and extrapolate cut scores in the new grade levels, and select an interpolation/extrapolation procedure.
 - In Phase Two, committees of Kentucky educators will convene to study the cut scores in each grade level using a modification of the Bookmark Standard Setting Procedure. Committees of Kentucky educators will work to validate the preliminary cut scores on the operational test scale. These educators will

recommend changes to the cut scores, if needed, and will write final *NAPD* performance level descriptions.

A decision from USDOE on the four changes described above is expected soon.

If more information is needed on this topic, contact Pam Rogers at 502-564-2256 or Pam.Rogers@education.ky.gov via email.

Next meeting: June 13-14, 2006 - Frankfort